

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Terrance D. Nielsen, Nancy J. Nielsen,
and E.N. and N.N., minor children,
by and through Terrance E. D. Nielsen
and Nancy J. Nielsen, their parents
and legal guardians,

Plaintiffs,

v.

City of Isle, Aitkin County;
Officer Alex Thurber, in his individual
and official capacities;
Deputy Nathan Parenteau,
Deputy Jon Cline, and
Deputy Cody Schwinghammer,
in their individual and official
capacities, and State Trooper Joseph Setnes,
in his individual capacity,

Defendants.

STATEMENT OF THE CASE

OF DEFENDANTS

COUNTY OF AITKIN,

**NATHAN PARENTEAU, JON CLINE
AND CODY SCHWINGHAMMER**

COMES NOW, Defendants, County of Aitkin and Deputies Nathan Parenteau,
Jon Cline and Cody Schwinghammer, and make the following as their Statement of the
Case:

a. Defendants' version of the case.

Aitkin County Deputies Parenteau, Cline and Schwinghammer were in southern
Aitkin County responding to calls relating to extensive storm damage including, but not
limited to, a downed powerline over the area of Highway 47. While the deputies were
addressing emergency traffic issues associated with the storm damage, they responded to
a request for assistance with regard to a suspect fleeing from Isle Police Officer Thurber.
The deputies were told that the suspect was in a red passenger vehicle. Based on the

request for assistance from the City of Isle officer, the Aitkin County deputies utilized stop sticks to attempt to stop the fleeing vehicle. The Aitkin County deputies assisted primary Officer Thurber in effecting standard felony stop proceedings based on their good faith reliance on Officer Thurber's representation that the subject vehicle had been involved in committing a felony crime. Officer Thurber identified the Nielsen vehicle as the suspect vehicle. That while Plaintiffs remained at the scene, based on the actions of the Aitkin County deputies and Trooper Setnes, they were able to determine that Officer Thurber had stopped the wrong vehicle and Plaintiffs were released on-scene.

b. A listing of particularized facts which support the claimed liability or defenses, including any applicable statutes as identified by number.

See a. above. Official immunity and qualified immunity.

c. An itemization and explanation of any claimed damages.

Not applicable.

Dated: 6/18/21

JARDINE, LOGAN & O'BRIEN, P.L.L.P.

By: s/ Joseph E. Flynn

Joseph E. Flynn, #165712

8519 Eagle Point Boulevard, Suite 100

Lake Elmo, MN 55042-8624

Telephone: (651) 290-6500

Facsimile: (651) 223-5070

E-Mail: jflynn@jlolaw.com

*Attorneys for County of Aitkin and
Deputies Nathan Parenteau, Jon Cline and
Cody Schwinghammerp*